

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

1. Guillermo Gomez-Martinez,
2. Avisael Lastra-Barron, and
3. Jaciel Fabian Gaxiola-Peraza.

CRIMINAL COMPLAINT

CASE NUMBER: MJ-24-04342-PCT-CDB

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Coconino in the District of Arizona, the defendants committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, Aid and Abet, in violation of Title 18, United States Code (U.S.C.) §§ 659 and 2, offense described as follows:

See Attachment A, Description of Count

I further state that I am a Special Agent for Homeland Security Investigations (HSI) and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: Addison Owen and Travis L. Wheeler, AUSAs



Digitally signed by ADDISON OWEN
Date: 2024.09.18 14:04:02 -07'00'

Tazten Starnes, SA for HSI

Name of Complainant

TAZTEN W STARNES

Signature of Complainant

Digitally signed by TAZTEN W
STARNES
Date: 2024.09.18 13:53:20 -07'00'

Sworn to telephonically before me

September 18, 2024

Date

at Flagstaff, Arizona

City and State

HONORABLE CAMILLE D. BIBLES

United States Magistrate Judge

Name & Title of Judicial Officer

Camille D.
Bibles

Signature of Judicial Officer

Digitally signed by Camille
D. Bibles
Date: 2024.09.18 14:58:15
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ATTACHMENT A
DESCRIPTION OF COUNT
COUNT 1

Theft from Interstate Shipment

On September 14, 2024, in the District of Arizona, Defendants GUILLERMO GOMEZ-MARTINEZ, AVISAEAL LASTRA-BARRON, and JACIEL FABIAN GAXIOLA-PERAZA knowingly aided and abetted known and unknown individuals in the possession of goods and chattels, to wit: Nike Shoes, of a value in excess of \$1000.00, which had been stolen from a BNSF train while moving in interstate commerce from California to Arizona, knowing the said goods and chattels to be stolen.

All in violation of Title 18, United State Code, Sections 659 and 2.

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

I, Tazten Starnes, a Special Agent for Homeland Security Investigations (HSI), being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Homeland Security Investigations (HSI) and have been so employed since December 2018. I have a Bachelor of Science in Criminal Justice from the University of Toledo. Prior to my employment with HSI, I was employed as a United States Border Patrol Agent for approximately seven years. I am a law enforcement officer of the United States, and I am empowered by law to conduct criminal investigations, make arrests, and serve search and arrest warrants.

2. As a Special Agent with HSI, your Affiant investigates criminal violations of United States law, including import and export violations, controlled substances law violations, and money laundering violations. Your Affiant has participated in hundreds of investigations involving stolen vehicle organizations, theft ring investigations, possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions. As an HSI Special Agent, your Affiant has been trained in conducting narcotics and money laundering investigations and received specialized training concerning violations of the Controlled Substances Act contained within Title 21 of the United States Code. I am currently assigned to the HSI Flagstaff Office located in Flagstaff, Arizona, where we investigate transnational criminal organizations to include money laundering and drug trafficking organizations operating throughout the United States.

3. By virtue of my employment as a Special Agent, your Affiant has performed various tasks, which include, but are not limited to:

- a. functioning as a surveillance agent, thus observing and recording movements of persons involved in violations of United States Code as well as violations of Arizona State law;
- b. interviewing witnesses, confidential reliable informants (CIs) and sources of information (SOI) relative to the violations of United States Code as well as violations of Arizona State law;
- c. functioning as a case agent, entailing the supervision of specific investigations involving various crimes throughout the United States; and
- d. conducting complex investigations involving transnational criminal organizations committing various crimes throughout the United States.

4. I have consulted with other experienced investigators concerning the practices of transnational criminal organizations and the best methods of investigating them. In preparing this affidavit, I have conferred with other Special Agents and law enforcement officers. Furthermore, I have personal knowledge of the following facts or have learned them from the individual(s) mentioned herein.

5. Based on the below facts, your Affiant submits there is probable cause that Guillermo GOMEZ-MARTINEZ, Avisael LASTRA-BARRON, and Jaciel Fabian GAXIOLA-PERAZA committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, Aid and Abet, in violation of Title 18, United States Code (U.S.C.) §§ 659 and 2.

BACKGROUND

6. Over the past fifteen years, several Transnational Criminal Theft Organizations have been burglarizing BNSF Railway and Union Pacific trains throughout the Southwest of the United States to include Arizona. These organizations consist primarily of Mexican citizens from the Mexican State of Sinaloa who operate out of Arizona and California, with extensive connections throughout California, Arizona, and New Mexico. The train burglaries have increased in frequency over the past two years.

7. The suspects usually scout high value containers on the BNSF railway on Eastbound trains that parallel Interstate 40 near Needles, California. Once the organization targets a particular train of interest, they typically find a location for several train burglars to get on the train. Once on the train, the burglars open container doors while the train is moving and target merchandise to steal such as electronics, tools, and footwear. The burglars often target containers with visible high-security locks and use reciprocating saws, bolt-cutters, or similar tools to defeat the locking mechanisms. Once the burglars target a specific container that has desirable merchandise, the burglars on the train communicate with follow vehicles utilizing cellular devices, and those follow vehicles surveil the train until it stops, or the burglars will cause the train to stop to unload the freight. The suspects often cut the train braking system air hose, which causes the train to go into an emergency stop (commonly referred to as “UDE”), which is a sudden and dramatic application of all the brakes on the train. By cutting an air hose, the burglars can control when and where the train is stopped to unload the cargo they target to burglarize. This act is very dangerous and can cause a train to derail, which could ultimately cause serious injury or death to BNSF employees or citizens. The suspects have also sabotaged the train signal system by cutting the locks off signal boxes and then by cutting the control wires inside. This is also a dangerous act that creates dark areas on the rail network, requiring non-traditional train dispatching functions and extensive repairs. High-value trains travel at speeds up to 70 MPH on multiple tracks in both east and west directions. The train crews and train dispatchers rely on the signals for safe transportation.

8. Once the burglars unload the merchandise from the container that is on the train, the burglars often hide the product in fields or brush adjacent to the BNSF tracks to conceal it until it can be picked up later. The location of the stolen merchandise is then shared by the train burglars with the use of cellular devices to the surveillance crew who are following the train. The organization will then send box trucks to pick up the stolen merchandise if law enforcement is not detected. Often, the box trucks used by the organization were found to have been stolen with their Vehicle Identification Number

(VIN) swapped. Once the stolen merchandise has been picked up, it is usually transported to California where it is sold or fenced to wholesale online retailers such as third-party Amazon and eBay resellers.

CURRENT INVESTIGATION

9. On September 14, 2024, at approximately 6:22 p.m., the Coconino County Sheriff's Office (CCSO) received a call for service from BNSF regarding multiple individuals loading boxes into a U-Haul box truck style vehicle next to the railway along Forest Service Road 161 north of Williams, Arizona. At approximately 6:45 p.m., the U-Haul box truck appeared to be driving southbound on Forest Service Road 113. Below is information learned from CCSO Detective Curtis Peery:

- a. CCSO Det. Peery along with several other CCSO Deputies responded to the area on Forest Service Road 161 north of Williams, Arizona, where the U-Haul box truck was last spotted.
- b. Approximately 2 miles north of Williams on Country Club Road (which turns into Forest Service Road 124), Det. Peery observed a U-Haul box truck, hereafter referred to as "box truck," driving southbound on Forest Service Road 124 followed in close proximity (less than two vehicle lengths) by a white in color Chevrolet Silverado pickup truck bearing Arizona temporary registration 024013C, hereafter referred to as "pickup truck." Arizona temporary registration returns to a 2024 Chevrolet Silverado owned by Heather Tubbs located in Mesa, Arizona.
- c. CCSO Det. Peery drove past the box truck and pickup truck then turned around and drove southbound on Forest Service Road 124 and passed the box truck and pickup truck. When CCSO Det. Peery entered the Country Club area, he observed that the pickup truck passed the box truck and was immediately behind him. CCSO Det. Peery turned into the Coconino County Service Yard to allow the pickup truck to pass him and when the

pickup truck passed his location, CCSO Det. Peery pulled behind it and conducted a traffic stop.

1. CCSO Det. Peery knows from previous experience working BNSF train theft investigations that burglary groups recovering stolen goods near the BNSF train railway bring multiple vehicles in addition to the box truck to transport more people that assist loading the stolen goods into the box truck.
 2. Additionally, CCSO Det. Peery is aware that these additional support vehicles travel in close proximity to the box trucks that contain the stolen goods to provide lookout for law enforcement personnel and provide distraction from the box trucks with the stolen goods.
- d. While on the traffic stop with the pickup truck, CCSO Det. Peery observed the box truck drive around a curve, and then turn into a neighborhood. CCSO Det. Peery contacted Williams Police Department for assistance in locating the box truck.
- e. During the traffic stop with the pickup truck, CCSO Det. Peery identified three occupants: Guillermo GOMEZ-MARTINEZ (front passenger), Avisael LASTRA-BARRON (driver), and Jaciel Fabian GAXIOLA-PERAZA (rear passenger).
- f. CCSO Det. Peery recognized LASTRA-BARRON, the driver, as an individual he had previously encountered while investigating BNSF train burglaries in Coconino County.
- g. CCSO Det. Peery detained all three occupants of the pickup truck. CCSO Det. Peery observed that each of these individuals were wearing dirty or dusty clothing. However, they were all wearing Nike shoes; those observations are consistent with individuals encountered in prior investigations who were associated with burglarizing BNSF trains.

1. CCSO Det. Peery knows from previous experience working BNSF train theft investigations, the individuals that help load the stolen goods, take a pair of the stolen shoes and either wear them immediately or take them to change into shortly after they complete the job.
 2. CCSO Det. Peery is aware that individuals wearing unreleased Nike shoes is a status symbol for these groups.
 3. CCSO Det. Peery knows from previous experience that individuals are given stolen shoes as part of their payment for helping with the theft organization.
- h. CCSO Det. Peery also observed that in the passenger compartment of the pickup truck, there were several additional pairs of Nike shoes that appeared to be new and unworn. CCSO Det. Peery also observed Nike shoes out of the original Nike box but still with the brown packaging paper under the front passenger seat. CCSO Det. Peery observed that GOMEZ-MARTINEZ was wearing the exact same style of Nike shoes found in the vehicle.
 - i. In the rear passenger compartment of the pickup truck, CCSO Det. Peery observed two additional pairs of the same style of Nike shoes, and they appeared to be new and unworn.
 - j. During the traffic stop on the white Chevrolet Silverado, CCSO Det. Peery was informed that Williams Police Department found the box truck abandoned in the same neighborhood that CCSO Det. Peery saw it turn into.
 - k. Williams Police Department Officers stayed with the three occupants of the pickup truck, while CCSO Det. Peery drove to the location of the box truck, which took approximately 2 minutes.
 - l. When CCSO Det. Peery arrived at the abandoned box truck, he learned the box truck was found abandoned and still running. CCSO Det. Peery also was told that Williams Police Department Officers cleared the vehicle for

officer safety purposes with negative results. During the safety search, Williams Police Department Officers left the rear of the box truck open. CCSO Det. Peery observed approximately 100 Nike shoe master cases in the rear cargo area of the box truck. From previous experience working BNSF train burglary investigations, CCSO Det. Peery recognized the packaging was consistent with cargo that has previously been stolen from a cargo container on a BNSF train.

- m. Your Affiant also knows that the normal consumer cannot get a Nike shoe master case.
- n. CCSO Det. Peery read the shipping label on one of the Nike shoe master cases and learned they shipped from Vietnam and were being shipped to Memphis, Tennessee. The case shipping label indicated that it contained six (6) pairs of size 9.5 shoes style HQ3640-790 per master case.
- o. CCSO Det. Peery learned that the Nike shoe style, HQ3640-790, that was in the rear cargo area of the box truck were the same as the Nike shoe style that were observed inside the passenger compartment of the pickup truck and the same style of shoes that GOMEZ-MARTINEZ was wearing when he was encountered.
 - 1. Through open sources, it was determined that shoe style HQ3640-790 was a Nike Dunk Low Wheat/Sanddrift color with blemished Swooshes. Multiple open sources reported that these Nike shoes are unreleased and have a release date of October 2024.
 - 2. Additional open-source checks revealed that the retail cost per pair is approximately \$125.00. Based on the estimation of approximately 100 Nike shoe master cases, the total approximate value is \$75,000.

- p. CCSO Det. Peery noted that the Nike shoe master cases that were in the rear cargo area of the U-Haul box truck were covered in dirt and dust like the environment near the railroad tracks.
- q. During an inventory search of the cab of the box truck, CCSO Det. Peery found a U-Haul Equipment Contract bearing the following information:
 - 1. Customer Name of Sharon Cervantes-Salcido with an address in Phoenix, Arizona and a phone number of 602-XXX-3947.
 - 2. Authorized Driver of Sharon Cervantes-Salcido.
 - 3. Rental Out Date/Time: 09-14-2024 10:17 a.m.
 - 4. Rental Due Date/Time: 09-15-2024 10:15 a.m.
 - 5. Renting Location: E&J Auto Wholesale located at 3001 W. Van Buren St., Phoenix, Arizona.

Guillermo GOMEZ-MARTINEZ

10. CCSO transported GOMEZ-MARTINEZ to Flagstaff Police Department for further questioning. When Flagstaff Police Department Detectives read GOMEZ-MARTINEZ his *Miranda* warnings, GOMEZ-MARTINEZ invoked and no further questions were asked of GOMEZ-MARTINEZ.

11. Law enforcement took pictures of GOMEZ-MARTINEZ wearing the unreleased Nike shoes that were the same style as the ones found in the box truck.

Avisael LASTRA-BARRON

12. CCSO transported LASTRA-BARRON to the Flagstaff Police Department for further questioning. While collecting biographical information, LASTRA-BARRON informed law enforcement that he was born in El Fuerte, Sinaloa, Mexico. LASTRA-BARRON admitted that he has lived in the United States for several years without any proper immigration documents.

13. When Flagstaff Police Department Sergeant Carlos Leyva read LASTRA-BARRON his *Miranda* warnings, LASTRA-BARRON stated that he understood his

Miranda warnings and agreed to speak with law enforcement without an attorney present. The interview was video recorded. Below is a summary of the interview:

- a. LASTRA-BARRON stated that he was in the area looking for a tree trunk to use for a project that he was going to give to his child for their birthday in October.
- b. LASTRA-BARRON stated that they came up to Northern Arizona on Thursday (September 12, 2024) and stayed at the Motel 6 in Flagstaff on Woodlands Boulevard, across from Walmart. LASTRA-BARRON could not remember what room number they stayed in at the Motel 6.
- c. LASTRA-BARRON stated that the other occupants in the pickup truck were guys he knew from working as a landscaper in the Phoenix area. He said that he knew GOMEZ-MARTINEZ owns or runs a gun store with his brother.
- d. LASTRA-BARRON stated that the pickup truck he was driving belongs to GOMEZ-MARTINEZ's girlfriend and the girlfriend had just bought the truck a few days ago.
- e. When asked about the box truck that CCSO Det. Peery observed them following, LASTRA-BARRON stated that he does not know what box truck we are talking about.

14. Your Affiant conducted law enforcement checks that shows LASTRA-BARRON is a citizen of Mexico and present in the United States illegally. Your Affiant learned LASTRA-BARRON was previously removed from the United States to Mexico via voluntary removal in May of 2022.

Jaciel Fabian GAXIOLA-PERAZA

15. CCSO transported Jaciel Fabian GAXIOLA-PERAZA to the Flagstaff Police Department for further questioning. While collecting biographical information, GAXIOLA-PERAZA informed law enforcement that he was born in Choix, Sinaloa,

Mexico. GAXIOLA-PERAZA admitted that he has been living in the United States for less than one year without any proper immigration documents. GAXIOLA-PERAZA stated that he has an immigration court date set for January 2025.

16. When Flagstaff Police Department Sergeant Carlos Leyva read GAXIOLA-PERAZA his *Miranda* warnings, GAXIOLA-PERAZA stated that he understood his *Miranda* warnings and agreed to speak with law enforcement without an attorney present. The interview was video recorded. Below is a summary of the interview:

- a. GAXIOLA-PERAZA stated that he was in the pickup truck with his distant cousin (LASTRO-BARRON) and LASTRO-BARRON's friend (GOMEZ-MARTINEZ). LASTRO-BARRON was driving.
- b. GAXIOLA-PERAZA stated that they had been staying at the Motel 6 by Walmart in Flagstaff.
- c. GAXIOLA-PERAZA stated that they were in Northern Arizona to see the scenery, and they went to Williams and somewhere else.
- d. GAXIOLA-PERAZA stated that the pickup truck belongs to GOMEZ-MARTINEZ's girlfriend and they were just riding around for the weekend.
- e. When asked about the box truck that CCSO Det. Peery observed them following, GAXIOLA-PERAZA stated that he does not know anything about the U-Haul box truck or who was driving it.

17. Your Affiant conducted law enforcement checks that show that GAXIOLA-PERAZA is a citizen of Mexico and present in the United States illegally. GAXIOLA-PERAZA was previously removed from the United States to Mexico via voluntary removal in March 2024 and then was encountered in the same month and was given a Notice to Appear and was released from custody.

18. BNSF Senior Special Agent Derrick Porter told your Affiant the following information:

- a. HQ3640-790 was inside container TCLU6560232 that was being transported on eastbound BNSF train ZLACMEM609A.
- b. On September 9, 2024, ZLACMEM609A was traveling eastbound on the Transcon when it stopped near BNSF rail mile marker 385.8 for approximately twenty minutes.
- c. Your Affiant knows that BNSF rail mile marker 385.8 is north of Williams, Arizona, and is accessible by traveling on Forest Service Road 161.

19. Your Affiant learned on September 15, 2024, CCSO Det. Peery and BNSF Special Agent Greg Hughes went near BNSF rail mile marker 385.8 and located the suspected theft site. Your Affiant learned that at the suspected theft site, agents located the same Nike style HQ3640-790 that was in the back of the U-Haul, as well as in the pickup truck, and worn by GOMEZ-MARTINEZ.

20. Your Affiant conducted Department of Homeland Security import research related to container TCLU6560232 and learned the following:

- a. On August 4, 2024, container TCLU6560232 was shipped on the Motor Vessel CMA CGM Christophe Colo voyage 1TU81 from Vietnam, and arrived at the Los Angeles, California, Seaport on August 25, 2024.
- b. After its arrival, container TCLU6560232 was transferred to BNSF for transportation along the Transcon on BNSF train ZLACMEM609A.

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CONCLUSION

21. For these reasons, your Affiant submits that there is probable cause to believe Guillermo GOMEZ-MARTINEZ, Avisael LASTRA-BARRON, and Jaciel Fabian GAXIOLA-PERAZA committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, Aid and Abet, in violation of Title 18, United States Code (U.S.C.) §§ 659 and 2.

22. I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

TAZTEN W STARNES Digitally signed by TAZTEN W
STARNES
Date: 2024.09.18 13:54:13 -07'00'

TAZTEN STARNES
Special Agent
Homeland Security Investigations

Sworn to and subscribed electronically this 18 day of September, 2024.

Camille D. Digitally signed by Camille D.
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Date: 2024.09.18 14:57:50
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HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge